

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Susan Herbert, and her minor Sons,  
Ethan and Christopher,

Civil No. 11-3217 (DWF/TNL)

Plaintiffs,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

US Military, Residents of Apt. #49,  
Neptune Beach Police, David Quinones III,  
Karl Longstreth, Republican Party, and  
Democratic Party,

Defendants.

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Susan Herbert, Ethan Herbert, and Christopher Herbert, *Pro Se*, Plaintiffs.

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This matter is before the Court upon Plaintiff Susan Herbert's ("Plaintiff") objections to Magistrate Judge Tony N. Leung's November 7, 2011 Report and Recommendation (Doc. No. 3) insofar as it recommends that: (1) Plaintiffs' application to proceed *in forma pauperis* ("IFP") be denied; and (2) this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court has conducted a *de novo* review of the record, including a review of Plaintiff's arguments and submissions, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. In her

submission, Plaintiff appears to allege that United States District Judge Susan Richard Nelson has in some manner committed “treason” because President Barack Obama is not “natural born” and that President Obama has somehow threatened Plaintiff. (Doc. No. 6.) Such allegations relate in no way, however, to Plaintiffs’ IFP application or complaint, which itself is incomprehensible. The Court concludes, as did Magistrate Judge Leung, that Plaintiffs’ complaint fails to state a claim upon which relief can be granted and is thus rightfully dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Consequently, the Court denies Plaintiffs’ IFP application as moot.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Plaintiff Susan Herbert’s objections (Doc. No. [6]) to Magistrate Judge Tony L. Leung’s November 7, 2011 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Tony N. Leung’s November 7, 2011 Report and Recommendation (Doc. No. [3]) is **ADOPTED** to the extent it is consistent with this order.
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
4. Plaintiffs’ application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 17, 2012

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge